

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jessica Lynn Miller

Case Number: 0980 2:13CR06054-002

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: May 13, 2014

Original Offense: Ct. 1: Conspiracy and Aiding and Abetting, 18 U.S.C. § 371 & 2; Cts. 2-5: Bank Fraud,
18 U.S.C. § 1344 & 2

Original Sentence: Prison 195 days; TSR - 36 days Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: May 13, 2014

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: May 12, 2017

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1

Standard Condition # 7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.**Supporting Evidence:** Jessica Miller is in violation of her conditions of supervised release by using a controlled substance, heroin, on or prior to January 20, 2016.

On January 20, 2016, the defendant reported for a random urinalysis test at First Step Community Counseling. The sample tested presumptive positive for opiates. The defendant denied any use while at First Step Community Counseling.

On January 21, 2016, the defendant reported to the probation office in Richland and admitted she had used heroin while on a date. The defendant stated the use had occurred on February 18, 2017. She added that she used her date's E-cig and as soon as she inhaled she knew it was loaded with heroin. The defendant noted she recognized the taste.

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- 2 **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Jessica Miller is in violation of her conditions of supervised release by using a controlled substance, methamphetamine, on or prior to January 27, 2016.

On January 27, 2016, the defendant provided a urine sample which returned positive for the presence of methamphetamine. The defendant admitted her use.

- 3 **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Jessica Miller is in violation of her conditions of supervised release by using a controlled substance, heroin, on or prior to February 9, 2016.

On February 9, 2016, the defendant provided a urine sample which returned positive for the presence of heroin. The defendant admitted using heroin with some friends.

- 4 **Special Condition # 18:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Jessica Miller is in violation of her conditions of supervised release by failing to report for intensive outpatient chemical dependency treatment on December 1, 3, 8, 15, 29, 2015; and January 5, 2016.

- 5 **Special Condition # 19:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Jessica Miller is in violation of her conditions of supervised release by failing to report for random urinalysis testing on December 14 and 22, 2015; January 26, 2016; and February 17, 2016.

The defendant was scheduled for random urinalysis testing on each date. She could provide a sample between 7 a.m. and 7 p.m. As noted above, the defendant failed to report on each date.

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6 **Special Condition:** While on supervised release, monetary penalties are payable on a quarterly of not less than \$25.00 per quarter or 10% of the defendant's net household income, whichever is less, commencing 30 days after the defendant is released from imprisonment.

Supporting Evidence: Jessica Miller is in violation of her conditions of supervised release by failing to make scheduled restitution payments.

The defendant has failed to make a restitution payment since July 31, 2015. The defendant was employed at Country Gentleman in Kennewick between December 2014, and September 2015. She lost this employment in October 2015, but gained employment at Lee's Tahitian in Richland in December 2016. She remains employed at this time.

The U.S. Probation Office respectfully recommends the Court issue a summons for the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/22/2016

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

February 23, 2016

Date